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The Politics of Land-Use Law in Oregon: Senate Bill 100, Twenty Years After

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This picture of Beaverton, Oregon, in the mid-1960s illustrates the sort of incipient urban sprawl that the architects and supporters of land-use legislation in Oregon hoped to avoid in their state. (OHS neg. OrHi 50126)

CARL ABBOTT &
DEBORAH HOWE
The Politics of Land-
Use Law in Oregon:
Senate Bill 100, Twenty
Years After

IN 1973 OREGON took a pioneering step in land-use planning. Signed into law on May 29, 1973, Oregon Senate Bill 100 created an institutional structure for statewide land-use planning. The new law required every Oregon city and county to prepare a comprehensive plan in accordance with a set of general state goals. While preserving the dearly held principle of local responsibility for land-use decisions, SB 100 simultaneously established and defined a broader public interest at the state level. Supervised by the Land Conservation and Development Commission (LCDC), Oregon's system of land-use planning has sought to combine the best of both locally based and state-level approaches to the complex issues of land use.

It should be noted, too, that Oregon's experiment in land-use planning helped inspire and justify similar programs elsewhere. Its details have been studied, copied, modified, and sometimes rejected in Florida, Maine, New Jersey, Georgia, and other states that have considered "second-generation" systems of state planning.

When the legislature adopted Senate Bill 100, formal land-use planning in Oregon was just over fifty years old. The state's initial planning legislation in 1919 and 1923 granted cities the authority to develop plans and land-use regulations. Planning remained solely a city function until 1947, when the legislature extended similar authority to counties in response to the chaotic growth of urban fringe areas. Unlike cities, counties were required to develop zoning and other regulations to carry out their plans.

The concern over disorderly growth that led to county planning in the 1940s developed into serious worry over suburban sprawl as growth in Oregon accelerated in the 1960s. And by the end of that decade Willamette Valley residents from Eugene to Portland viewed sprawl even

more broadly as an environmental disaster that wasted irreplaceable scenery, farmland, timber, and energy. Metropolitan growth was explicitly associated with the painful example of Southern California. Governor Tom McCall summarized the fears of many of his constituents in January 1973, when he spoke to the Oregon legislature about the “shameless threat to our environment and to the whole quality of life—unfettered despoiling of the land,” pointing his finger at suburbanization and second-home development.

In this context of environmental awareness, the initial impulse for state land-use legislation came from the farms rather than the cities. The center of concern was the hundred-mile-long Willamette Valley, where the blue barricade of the Coast Range on one side and the high cones of the Cascades on the other reminded residents that land is finite. The first steps toward the idea of “exclusive farm use” were taken between 1961 and 1967 and involved legislative action to set the tax rate on farmland by its rental value—in effect, by its productive capacity as farmland—rather than by comparative sales data that might reflect the demand for suburban development. A conference entitled “The Willamette Valley: What Is Our Future in Land Use?” held early in 1967 spread awareness of urban pressures on Oregon’s agricultural base. With key members drawn from the ranks of Oregon farmers, the legislative interim committee on agriculture responded by developing the proposal that became Senate Bill 10, Oregon’s first mandatory planning legislation.

Adopted in 1969, SB 10 took the major step of requiring cities and counties to prepare comprehensive land-use plans and zoning ordinances that met ten broad goals. The deadline for doing so was December 31, 1971. However, the legislation failed to establish mechanisms or criteria for evaluating or coordinating local plans, allowing some counties to opt for *pro forma* compliance. McCall’s successful reelection campaign in 1970 called for strengthening SB 10. In the same election 55 percent of the state’s voters rejected an initiative that would have overturned the law.

The Oregon legislature acted in 1973 to correct flaws in SB 10. A state-sponsored report by San Francisco landscape architect Lawrence Halprin, entitled *Willamette Valley: Choices for the Future*, helped set the stage for reform in the fall of 1972. McCall’s “grasping wastrels” speech, with its anathema on unregulated land development, raised the curtain. Greatest credit for passage of SB 100, however, goes to Senator Hector Macpherson, a Linn County dairy farmer convinced of the need to fend off suburbanization of the entire valley.

Drawing on his experience on the Linn County Planning Commission, Macpherson articulated the importance of a statewide planning program in protecting and enhancing agricultural investment. This argu-

ment served to dampen the demands of farmers to preserve property rights that would enable them to sell out to developers. Moreover, when the leadership of the 1971 legislature blocked formation of a formal interim study committee, Macpherson worked with Gov. McCall to set up an informal "land-use policy committee" to suggest ways to improve SB 10. Members of the committee represented the governor's office, environmental groups, and business organizations.

In the 1973 legislature essential help came from Senator Ted Hallock of Portland, from Representative Nancie Fadeley, and from L. B. Day, a Teamsters Union official representing Willamette Valley cannery workers and a former director of the state department of environmental quality. Hallock and Fadeley chaired the senate and house committees on environment and land use. Day was the dominant influence on a task force of lobbyists whom Hallock called together to hammer out necessary compromises. Fierce opposition forced the deletion of two major provisions from the draft legislation: One was designation of "areas of critical state concern" where the state would have overriding control; the other was the designation of councils of government, rather than counties, as the bodies that would coordinate local plans. The final version of SB 100 passed the senate by eighteen votes to ten. Fadeley's committee acceded to Macpherson's plea to report the bill to the house floor without changes, thus avoiding the mine field of a conference committee. In total, forty-nine out of sixty legislators from Willamette Valley districts voted in favor of SB 100. Only nine of their thirty colleagues from coastal and eastern counties agreed.

Passage of the bill in May 1973 created the Land Conservation and Development Commission (LCDC) to oversee compliance of local planning with statewide goals. The commission is composed of seven members appointed to four-year terms by the governor and confirmed by the state senate. One member is appointed from each of Oregon's five congressional districts and two from the state at large. At least one but no more than two members must be from Multnomah County, the state's largest and most urban county. At least one member must be an elected city or county official at the time of appointment. Staff support for LCDC and the planning program comes from the Department of Land Conservation and Development (DLCD).

As its first task, after dozens of workshops throughout the state, the new LCDC rewrote the state planning goals in 1974. The ten goals of the 1969 legislation were made more clear and precise, and four new goals were added. All fourteen goals were adopted in December 1974. An additional goal, pertaining to the Willamette River Greenway, was added in December 1975, and four goals focusing on coastal zone issues were added

in December 1976. The goals are as follows: (1) citizen involvement; (2) land-use planning; (3) agricultural land; (4) forest lands; (5) open spaces, scenic and historic areas, and natural resources; (6) air, water, and land resources quality; (7) areas subject to natural disaster and hazards; (8) recreational needs; (9) economy of the state; (10) housing; (11) public facilities and services; (12) transportation; (13) energy conservation; (14) urbanization; (15) Willamette River Greenway; (16) estuarine resources; (17) coastal shorelands; (18) beaches and dunes; and (19) ocean resources.

The basic idea behind the state's land-use program has been to concentrate development within urban growth boundaries (UGBs) established around incorporated cities. Outside of these UGBs land-use policies are aimed at supporting the vitality of the agricultural and forest industries. Non-resource-related development is strictly limited in the resource areas outside the UGBs.

Oregon's land-use program has survived three initiative challenges, winning voter approval by a margin of 57 percent to 43 percent in 1976 and by a margin of 61 percent to 39 percent in 1978. Support has been strongest in Portland, Salem, and Eugene. In 1978 the LCDC program also gathered support along the northern coast and in south-central counties, where rapid recreational development had put pressure on urban services.

During the depression of 1981–82, however, LCDC became the target of frequent complaints that planning requirements inhibited economic development. Opponents of the state planning system placed an anti-LCDC measure on the November 1982 ballot, calling for the abolition of LCDC, return of all land-use planning authority to localities, and retention of state goals purely as guidelines. A task force headed by Umatilla agriculturalist Stafford Hansell heard testimony from more than four hundred Oregonians and eventually affirmed the program's goals in its report to Governor Victor Atiyeh. The election returns showed the same regional divisions as before, with most of the opposition coming from ranching counties in the southeastern corner of the state and from lumbering counties in the southwestern corner.

New challenges to the state's land-use planning system have come in the 1990s. Oregon absorbed a net gain of 100,000 people in the two years ending in July 1991. Many of the newcomers have settled in metropolitan Portland, which anticipates substantial continued growth over the next two decades. Expansion of tourism and the popularity of Oregon among California retirees has also brought growth pressures to coastal Oregon, southern Oregon, and the east slope of the Cascades. Meanwhile, passage of a statewide property-tax limitation measure in 1990 put a cap on local tax rates and transferred responsibility for a substantial portion of

public-school funding to the state. This major change in tax assessment methods is resulting in deep cuts in state and local services, including land-use planning.

Such changing circumstances underscore the value of reexamining the origins of Oregon's land-use planning system. To this end we invited four key players to share their recollections and interpretations of the making of the Oregon land-use planning system. Hector Macpherson and Ted Hallock were central to the development and passage of Senate Bill 100. Macpherson has served his community and the state as a member of the Linn County Planning Commission, as a member of the Oregon Senate (1971–74), and currently as a member of the Land Conservation and Development Commission. Hallock represented Multnomah County in the legislature for two decades. Stafford Hansel's career includes service as a member of the Oregon House from 1957 to 1973, as director of the state executive department for Governor Robert Straub (1974–77), as chair of the Land Conservation and Development Commission from 1983 to 1987, and as the first chair of the Columbia River Gorge Commission. Henry Richmond is the founding executive director of 1000 Friends of Oregon, an organization devoted to promoting and preserving strong land-use planning in Oregon since 1975.

In addition to these identified participants, the roundtable discussion included Carl Abbott and Deborah Howe as interviewers. The meeting took place on December 14, 1992, in the Jefferson Room of the Oregon Historical Society's research library. A complete record of the discussion, from which the following excerpts are taken, is available in the OHS Research Library's oral history collection.

ROUNDTABLE DISCUSSION

ABBOTT: We circulated a set of questions for this discussion, and the first two questions are really a pair I'd like people to use as a takeoff point: Describe your first involvement with the development of statewide land-use planning; and then talk a little bit about what motivated your personal commitment to the effort. . . .

MACPHERSON: I think probably I have a history on this thing that goes back even [farther than] anyone else at the table here. . . . How did we ever get to Senate Bill 100 in the first place? I looked up the history that went back before anything I had worked with, and I found [something] very interesting. I uncovered an individual that I don't think is recognized—really, hardly at all—in the history of land-use planning, and that is a county agent named Ted Sidor. You remember him?

RICHMOND: Absolutely.

MACPHERSON: He was a county agent in Union County. I happened to meet Ted back before he had joined the [Oregon State University] Extension Service, back when he was farming in Linn County, but I never got to know him. What happened was, Ted came out of OSU and took this job as an extension agent in Union County about the time there was some national discussion on the preservation of farmland, because we were losing it all to development and asphalt and this kind of thing. And he took this on as a cause. Even though he was over there in Union County, where there is not a whole lot of sprawl, he made sprawl the enemy. He developed a slide show which he showed everywhere. Then he talked the county commissioners in Union County into appointing a planning commission; and since they didn't have any money for staff, he accepted the position as extension agent and actually staffed [the planning commission himself]. [Ted Sidor], working with one of the local farmers there who eventually chaired the [planning] commission, [made Union County] the first county in Oregon to get zoned border to border with basically exclusive farm-use zoning, which was to preserve the farmland.

RICHMOND: What year would that have been, Hector?

MACPHERSON: I don't know. I think 1964 is the year they actually adopted their plan.

So [Union County was] the one county that was actually completely [zoned]. We had some other counties at the time that had done [some zoning] work, but they had done only small parts of it; [Union County] had it in border to border.

Well, this did not go unnoticed. Dean [Earl] Price at Oregon State University, [Ted Sidor's] boss, said, "Well, here's a man we ought to do something with." They pulled him back down to Corvallis to become extension development specialist—I think that was his title. [His job] was to go out and sell land-use planning statewide. It was very soon afterward that I found Ted Sidor at my door—that's how I first came to know him—while I was chairman of the Linn County Planning Commission.

At the time, I was a dairy farmer terribly concerned with what was happening around me, because of the houses moving in around me out there; so I looked [at] this [idea of] exclusive farm-use zoning. Representative Loren Smith had developed some taxation things which tied in with zoning, and this was also extremely important in those very early times. Anyway, Ted Sidor came to my place, and we got to discussing

[these issues], and from then on we had something of a bond as he went on about his business.

In 1967 [a conference was] organized under the auspices of the Willamette Valley chambers of commerce—I think the title was “The Willamette Valley: What Is Our Future in Land Use?”—and Ted Sidor was the keynote speaker. I was also a speaker there, and that was my first experience doing anything [on the land-use issue] beyond Linn County. I think this [conference] was the pebble thrown in the pool that started an awful lot of things happening.

Later on that fall the interim committee on agriculture [met]. By this time Dean Price had retired and a new dean, [Wilbur Cooney], had taken over. He was called on by the ag[riculture] folks to suggest things they ought to be working on for the next session of the legislature. [Dean Cooney] said, “Well, you ought to be working on saving farmland through zoning.” Now this thing [began to] snowball.

Joe Rogers was chair of [the interim] committee [on agriculture], and “Corny” [Cornelius] Bateson was the one who perhaps did the most [on this issue]. [Bateson] was assigned the subcommittee which looked into land-use planning, and they got Ted Sidor in. [He] gave his usual pitch, and then, between Corny and Ted Sidor, they decided that the state should require all counties to be zoned by January of 1972. So that was the genesis of Senate Bill 10. . . .

HALLOCK: Now, you’ll have to take yourself to 1972, because you first approached me, or I first approached you, in August of 1972. . . .

MACPHERSON: Actually, at the end of 1971—you might not remember—I asked for an interim study on land use, SJR [Senate Joint Resolution] 13. [This proposal] went through the senate environment committee, [but it] was never funded. . . . I was trying to promote an official committee with some funding to work on land use. I went to Wes Kvarsten . . . [who was] another one of the very important people [on this issue]; and incidentally, he also had a hand in directing what actually came out in Senate Bill 10. Anyway, [the proposal] never got funded, there was nothing coming along, and it looked like there was not going to be anything unless I started it on my own.

HALLOCK: Was John Burns the senate president in 1971?

MACPHERSON: Yes, and I went to John Burns to get a task force going [so] we could do something officially. I had a really very unpleasant conversation with him at one point, and I said, “If you don’t appoint me,

"I'm going to go out and do it on my own." He didn't really say anything, but I think this is certainly part of the reason why we never brought him along with us. He felt I went over his head, which I did.

Then I stopped in at Bob Logan's office, who worked for [Governor] Tom McCall in local government relations, and he welcomed me with open arms. We sat down, and inside of half an hour we started jotting down just how this particular thing ought to be put together. We decided there ought to be two different branches of this Macpherson action group [land-use policy action group], as I called it. I didn't want to call it a task force. One would look at the exclusive farm-use needs and the subdivision; and the other one was the big one—I would chair that myself—which was the Senate Bill 100 committee.

At that point I called [Ted Hallock] and two or three other legislators and asked if they would like to be part of what we were trying to do, unofficially. [Ted was] the only one who [went along]. He said, "You go ahead and work on it—I don't have time to work on it—but I'll send my man to be a part of your task force and I'll follow it, and I'll help you get it through. Once we [have] something out there, we can take it to the legislature." . . .

RICHMOND: Was Dean Price on that committee?

MACPHERSON: Dean Price, Ellen Lowe[?], Anne Squier, and Marv Gloege came. Let's see, who were the others? I'd have to dig out my list. Basically, I think it was the best task force I've ever been on. Since I was the only legislator, whatever came out I had to okay. I got lots of help from Bob Logan and his staff, but, basically, we did it on our own. And we brought it on through, finally. It went through a number of drafts and a lot of the preliminary things before we got up to the introduction stage.

RICHMOND: Didn't Tom [McCall] sponsor a conference in October '72?

MACPHERSON: I never really worked with Tom at all, directly. I worked through his staff: Kess[ler] Cannon and Bob Logan, primarily. . . . Tom wasn't directly involved in it himself. But he had the interest, certainly, and he was the person who could promote it.

So [McCall] organized this big conference that came off in the fall of 1972, but he never specifically endorsed my proposal. In fact, he was sitting back there thinking, "If somebody else comes up with a better idea, I'm not going to be locked in there [with Macpherson's]." He [wanted to be able to] go in some other direction.

I had been in contact with [Representative] Norma Paulus before this, because Norma was very interested in doing something on land use, and we kind of divided up the field. Norma decided that her group couldn't really . . . catch up [with mine], but she did want to introduce a bill limiting the number of realtors that were getting onto planning commissions. From my standpoint [that idea] was not all that desirable, because you could still only have one farmer [on these commissions]. I wanted to have lots of farmers on [planning commissions], because I thought farmers were the ones [who would] try to save the farmland that I was primarily interested in. . . .

RICHMOND: I think it's worth pointing out that in '69, when the legislature passed the planning legislation [SB 10] that required all cities and counties to have a plan by a certain date, Oregon was the second state to do that, after California. I think California did it long before, [in] 1955. Oregon was the second state.

I think we forget there was an initiative on the ballot about that legislation in 1970. The concept of planning has really been [challenged] on the ballot four times in this state. . . . My recollection is that Tom campaigned vigorously against that '70 initiative. That was [the one advanced by] the ZAMO-ites [Zoning Adjustment Modification Organization]. Remember Stan Skoko in Clackamas County? Tom was up for reelection and said, "If you vote for that, don't vote for me," or some typically out-front, brash, challenging kind of statement.

HALLOCK: What would it have done?

RICHMOND: It would have repealed Senate Bill 10. It failed—by 55 to 45 [percent], or something like that—and the '69 legislation was upheld. Then the legislature [was] in a position to do something more, which it did . . . in '73. But there was a fight over the initial foundation—mandatory planning—that was pretty fierce, and it tends to get forgotten. . . .

I think Tom [McCall] was interested in the issue throughout his first year. The conference he organized in October was oversubscribed [and] generated enormous interest in the planning issue. Nat Owings[?] came up from California and spoke, and they had this *Willamette Valley: Choices for the Future* study that was completed. [Tom McCall] raised the profile of the issue and dramatized it and brought people to it. . . .

MACPHERSON: Well, [that takes us] back to the legislature.

HALLOCK: In 1971 John Burns was elected by the so-called coalition—

MACPHERSON: By the Republican-Democrats.

HALLOCK: That's correct, the coalition: the Portland conservative Democrats. . . . I stood for presidency of the senate in 1973. My opponent was Jason Boe. We [Democrats] caucused at the Hilton Hotel one night . . . [with the result that] Boe was to be president of the senate. Boe and I hated each other; . . . so when it came to the committee assignment . . . I wouldn't humble myself. I asked for this particular committee [dealing with land use and zoning]. I don't think he knew . . . I'd been dealing with Hector, and that land-use planning was my major concern.

[Anyway, Boe] decided he'd give me a Christmas present on the committee: He named Mike Thorne (which would be like naming my late uncle, Blaine Hallock of Baker, who was a genuine conservative); he named Victor Atiyeh; John Burns, the former senate president; Jack Ripper (and therein lies a story), who was a conservative from Coos Bay; and then George Wingard, Hector Macpherson, and myself. So [Boe] figured he had me screwed from the beginning: There was no way we could get four votes—an impossibility.

[Atiyeh, Thorne, and Burns opposed the bill absolutely.] Ripper was, it became obvious as things went along, the [crucial swing vote]. I can't remember the exact chronology of the drafts, but I wanted from the get-go—and I think Hector did [also]—state control. I still do. I wanted out-right state control.

We were there for three or four or five months, whatever the hell it was, and it was obvious after the first three or four weeks that the first draft wouldn't fly. I could see from Ripper that local control . . . would be the great battle cry; that's what Ripper seemed to want.

One of the unsung heroes of all this was L. B. Day, who was a Teamsters official. I don't know why he and I got along, [but] we did.

MACPHERSON: Let me interrupt there. He was a Teamsters official, but he was a Teamsters official for cannery workers, who were just as interested in preserving land use for farming as anyone else.

HALLOCK: Local 670.

MACPHERSON: Right, in Salem.

HALLOCK: [Another unsung hero was] Tom Donaca, a Portland lawyer who is an advocate for Associated Oregon Industries. And, as an advocate, he's never masqueraded. There's no pretense about Tom Donaca,

none at all. [He is an] open advocate, and one I've respected and trusted for years.

I decided I would do my famous "turn it over to a committee of the so-called outsiders," the outsider-insiders, the camp followers who monitor the proceedings, and ask them to produce another draft, and they did. The second draft—I guess, unless it went to a third—was the draft we worked on for the following months. . . . After we divided the bill up—Hector did the significant portion, and I did the frippery—it passed, and we carried it. . . . We had gotten Ripper [to go along, and] the vote came out of the committee four to three.

RICHMOND: Why did Ripper vote for the bill?

HALLOCK: Local control.

RICHMOND: [Because you] kicked the COGS [councils of government] out and [gave control over compliance to the counties and cities]. . . .

HALLOCK: My personal dialogues [on this issue]—which were almost on my knees, pleading—were based on [the question of local control].

I went over to Nancie Fadeley's house environment committee, and in an open meeting said, "Atiyeh's about ready to kill this bill on concurrence. And with the assistance of our friendly president, he'll succeed. They'll work something out, and they'll kill it. If you change one comma, or if the house changes"—(you laymen have got to understand the significance of that, in the bicameral system)—"one comma, [we're sunk]." She didn't. The house passed the bill, and Senate Bill 100 was law. This was just unheard of. So Nancie and her cohorts were a third bunch of unsung heroes.

RICHMOND: It's very difficult for the house side to just simply defer to the senate and not leave its mark on the bill in some way, and so there was a considerable exercise in restraint which prevented the bill from going back to the senate, where monkey business could have occurred.

MACPHERSON: Well, I think we had Norma Paulus on Nancie's committee from the Republican side, and Nancie had the committee under her control pretty well there. Actually, it was Ralph Groener, from Clackamas County, who carried the bill when it finally came up for a vote.

But I ought to go into some of the changes from the time when the bill hit the committee. The very first thing was that every time we put it up for

a hearing all we heard about was the fact we were giving some power to councils of governments. . . .

HALLOCK: Let me interrupt you. Go back before that. McCall picked up, from the feds, I guess, the zoning idea, and he created fifteen zones.

MACPHERSON: They weren't zones, they were districts.

HALLOCK: Okay. So we have thirty-six counties, and a COG allowed the counties to amalgamate in some fashion. . . . For example, Marion [County] was a COG on its own, but several—

MACPHERSON: No, Marion was not. Marion was Mid-Willamette Valley, which included Polk [County] and some others. Lane [County] was on its own. And Metro [Metropolitan Service District], of course, [was on its own].

Wes Kvarsten was the head of a COG, and he was very instrumental in helping to put this thing together in the first place. We had built [the idea of COGs] into our plan, but it became very obvious that we couldn't go on with that. That in itself was enough to kill the bill. So even before it got over to L. B. Day—

RICHMOND: "Areas of critical state concern" [was another idea] in the bill.

MACPHERSON: Well, we're not to that yet. We're taking care of this regional government idea. We had to kill that first thing. Before it ever got to L. B. Day, we had already indicated we weren't going to go the route [of regional government]. We would give the counties the coordinating role. That made the cities so unhappy they never supported the bill after that. But so be it.

ABBOTT: Was the opposition to the COGs just purely to the idea of regional agency, or was it that people thought [the bill would be defeated unless the regional government idea was thrown out]? . . .

MACPHERSON: Well, counties are ordained by God, you understand. . . . [And they'll] accept the state, when they have to. That's how it turned out. We ended up with the state and the county. The big thing that L. B. Day did—and this is where I thank him for his leadership—was on this matter [of] "activities of state concern" and "areas of critical state concern." The original design was that Senate Bill 100 was not to give the

state veto power over all decisions. We were supposed to decide which things the state had a real interest in, and, yes, we gave them the power to do the kinds of things we're doing today in these areas. But I campaigned for Senate Bill 100 on the basis that 90 percent of all decisions would be made on the local level, with [local] plans, [local] rules, [and] only very general types of standards set by the state. . . . But L. B. Day saw this wasn't going to fly. So he took out the "areas" [idea] completely and left the "activities" in, but [in a way that] it really had no function. [The activities idea] eventually was thrown out, [too]. But I guess I can give [Day] credit. And I don't remember just who, [but someone] juggled a few words within the bill —

RICHMOND: I think it might have been Ward Armstrong [of Weyerhaeuser], Hector. L. B. [Day] chaired the committee, Ward was on it, [and] somebody else.

MACPHERSON: Anyway, what everybody didn't recognize was [that] they beat this thing up to where, if we didn't define goals and guidelines, we could do any darn thing we pleased; we had state-imposed control everywhere. When [Day] kept talking about the "toothless tiger," that's the thing that got it through. Statements came out [about] how much it was weakened by L. B. Day's group, when, from my standpoint, they really strengthened it, because they allowed the kind of power everywhere that we had envisioned really only for these areas and activities of critical state concern.

RICHMOND: Well, the planning was in there.

MACPHERSON: The planning was all in there. . . . Almost no words changed.

Ted, you may remember [that] when we brought Senate Bill 100 on the floor, the very first debate was over this statement I had drafted. I'd been to [see Senate Historian] Cecil Edwards to get it okayed that we were going to not define [specific goals and guidelines] within the legislation, but we were going to indicate legislative intent of what the goals and guidelines were supposed to be. I think that was very critical: We said we were not putting [specific] goals and guidelines in because we wanted them to be generated by the public-involvement process, which we beefed up. That was what L. B. Day also put in there, this stronger public-involvement process for land-use planning. So we said, no, we can't define it, but it can't be zoning from the state level. We said specifically [that goals and guidelines couldn't come from the state]. This is in

the senate record for that day, and this was the very first day. And the very first vote we took on that was twenty to ten.

HALLOCK: Oh, that's right. Now I remember; that was unusual.

MACPHERSON: That [deferring of goal definition] was unusual; it had never been done before. [We had] the first hour and a half of debate on this one issue, when they tried to send it back to committee and do all kinds of things.

HALLOCK: So that's in the [*Senate*] *Journal*?

MACPHERSON: Right. It's published in the *Journal*. . . .

I should get on the record here somewhere my very first contact with Henry Richmond. He was working for OSPIRG [Oregon Student Public Interest Research Group]. . . . What were you?

RICHMOND: Staff attorney.

MACPHERSON: [Henry] wrote me a letter before we even got to the legislature and said that he was going to be meeting with us on the task force. We didn't see too much of you, I don't think, when we were in that generating phase, because we were on down towards the end of—

RICHMOND: You were in the third draft. . . .

ABBOTT: Was this your first introduction into the land-use issue, taking that OSPIRG job?

RICHMOND: Well, I had followed the Oregon Coastal Conservation and Development Commission, [created in 1921]. That's what pricked my interest in [land use] when I was in law school at the University of Oregon. When I graduated from law school, I worked for Judge [Gus] Solomon for a year and intended to go to work for OSPIRG. But I hadn't had any direct involvement in [land use yet]. . . .

HOWE: So, Henry, you came to this from a legal as opposed to a planning perspective?

RICHMOND: Yeah, I'm not a planner. I don't know if I came at it from a legal perspective, though. At OSPIRG I supervised an intern named David Aamodt, who grew up on a dairy farm in Clackamas County (this was in

'73), and he wrote an OSPiRG report that proposed that the state's land-use policies be keyed to soil types. I remember when he came into my office one day and said, "Well, you can tie this zoning to soil types." I said, "What do you mean, soil types?" He said, "Well, there's different kinds of soils, and they're all mapped and they have their different measures of limitations of soil ability." And I said, "You're kidding." So he wrote this report . . . that proposed that Class Soils I-III be an area of critical state concern, not that it was a definition of agricultural lands in the goal. What the commission only did was [accept] that.

MACPHERSON: I've had a lot of arguments with Bill Moshofsky here recently, because he said, "Well, you know, the original Senate Bill 100 only talked about saving the prime farmland." And, of course, prime farmlands are only an itsy-bitsy [part] of the total state land out there. I had to go back and reread [the bill] to find out what we really had said, and we didn't say that at all. We said "agricultural land." But the original Senate Bill 100 goals, which were carried over as interim goals, picked up on the prime farmland [idea]. So [Moshofsky's] right that the words "prime farmland" are in there, but these were to be phased out [in favor of "agricultural land"] as soon as the goals generated by the commission were adopted. I said I'd be glad to debate him on that one, because I was so sure I was right. The prime farmland [idea] was part of the thing we phased out when we got the original goals. And Senate Bill 101 was the one [that did this]. I don't know that everybody really understands what Senate Bill 100 did: It just set up the process, it didn't set up any of the—

RICHMOND: Substance.

MACPHERSON: The substance of what we were trying to do out there was all generated by the goals and, in some cases, by the legislation; but Senate Bill 101 certainly told us what we were talking about as far as EFU [exclusive farm-use] farmland was concerned.

RICHMOND: But it is a fairly important process that the state legislature would say to itself, "We probably shouldn't have given away all that power to the localities when we authorized zoning back in the 1920s. And we need to take some of that authority back when we redefine the relationship. Some entity in state government is going to be like the board of directors and set some policy and have some accountability and functions; but we're not going to displace management down there at the local level."

That was a pretty major step, and that's at the core of what all the other

states around the country are doing, [along with] using comprehensive planning as a “management tool.” That’s what the other states are doing; they’ve kind of followed the Oregon lead. Whether they are using urban growth boundaries or exclusive farm use zones or something else, that basic structure of requiring local planning to conform to state policies in some state-review function [has prevailed in Oregon and elsewhere]. That was in SB 100; that is the core reform that occurred.

MACPHERSON: Our bible, when we were putting the thing together, was Fred Bosselman’s book. I think you indicated, when you wrote me that first letter, that you had just read it.

RICHMOND: Yes, *Quiet Revolution in Land Control*.

MACPHERSON: He pointed out that the states that had gotten into this area [of land-use planning] were doing a poor job of it because they . . . were not tying what they were doing [at the upper level of government] in with the local level.

I think I still have a disagreement with Henry over the amount [of state control]. We’ve got a partnership here; we’re not trying to take over. [Henry] would like to have total state control, but I’ve always thought that you can’t run the thing from Salem. You don’t know what’s happening out there on the ground, and anytime you start to try to take over and write criteria that do something statewide, you’re gonna find some places where you can’t make it tight enough. . . . In other words, you totally take away the development potential out there.

I still believe that we’ve got to have a partnership between the state and the local [governments]. Henry and I disagree about that to a large extent, because he thinks that we ought to have more control from the state than I, as a commissioner, am willing to give it. . . . When it comes to looking at what’s out there, right on the land, and the fact that these soil types that Henry talks about are all mixed up out there, how do you determine just which is commercial farmland and which might be able to go small-scale, for instance? It’s something that you almost need to get the folks out there on the ground [to determine], because you simply can’t write criteria that are tight enough to do what you want to do without shutting everything off.

Come on, rebut me now, Henry.

ABBOTT: I’d like to find out from Stafford what your response to this legislation was when it was being developed.

HANSEL: Well, I'm the last one on the block on this. I was in the legislature from '57 to '75, but I was chairman of ways and means for most of the time, and that's a world all to itself. These things appeared to me only as something to fund. . . . So I didn't have much of an exposure. I was not on any committee where land use was really discussed; . . . nobody was pressing me to jump out and do something. So I got into it a little late.

I was instrumental in the legislation on the Willamette Valley Greenway when Governor Straub pushed that. I helped get the funding for it. And I [worked] with [Senator] Don Willner, [who] was the co-chairman of the scenic rivers bill, when that went through. So I had a lot of interest in [land-use issues].

I actually voted against SB 100 on the basis of the arguments that the city of Portland made that they weren't given a fair shake on the bill. I remember Shirley Field making a strong plea for a no vote, and I did give a no vote. I've heard it hundreds of times as I went around the state in different hearings: "I'm all for land use planning, *but—*"

So I was all for land-use planning, especially after my brother and I got into the hog business. About the same time I started my legislative career, my brother and I bought a place and converted it to hogs. Our hog business was of the size [that] land-use planning certainly became one of the acute things we had to worry about. From an eighty-acre start, we bought 2,500 acres around us so we'd have a buffer against people. We did some of our own land-use planning. But because we were on the highway, we wanted to have some more assurance. We became very supportive of land-use [planning] as a result of being in the hog business. Lots of my fellow hog people and cattle people didn't take that attitude, but we did from the start.

I think my first real serious introduction to it was at the state fair. Hector, I don't know if you remember it, but you gave a talk there on land-use planning over in the 4-H building someplace. . . .

MACPHERSON: Yeah, I remember your being there, as a matter of fact.

HANSEL: But when I really got directly involved in it was when Governor Atiyeh appointed me to chair a task force in 1982 to go out and find out if any business had been kept out of Oregon because of land-use [planning]. I've been heavily involved ever since. Vic evidently was getting so much comment and pressure from people. And, remember, in 1982 the referendum was again going to be on the ballot for a vote. So, to take off some of the pressure he was hearing, he appointed a group of people, some who were very strongly opposed to land-use planning. . . .

The cattlemen had a woman [in the group] who was very much opposed to us. We [also] had developers [and] realtors [on the task force]. It was a little bit of a mix of everything, and we had a series of hearings out over the state. We visited over 400 people; we took down [everything they had to say]. I think we became kind of a safety valve for people. We also discovered that some of them were following us around the state; they wanted to talk at every one of the meetings. We stopped that. At two of the meetings we had to split up, and they still lasted until after midnight. But I had a strong conviction that I wanted to let everybody talk. We did let them talk and got a lot of ideas, and I think the recommendations we made became part of the process. I feel that as a direct result [of our group's work], the initiative in the fall [was defeated].

ABBOTT: Atiyeh has been described as an opponent of SB 100. Was he hoping for support [of his position from your task force]? . . .

HANSEL: Vic was very straightforward on this. I think he honestly felt so many people out there opposed to it would point out so many horrible things that the committee would come down on that side. But the committee came down on the other side. And Vic played it very straight as far as I was concerned. In fact, the report came out a little early, and . . . there was a lot of consternation in the economic department and the forestry, water resources, and other [departments]. I was called in before a group of department heads in the governor's office up there—the governor was present—and they said, "You surely didn't mean these nasty things that you said in [this report]?" [The report] said it didn't appear there [were] very many of the heads of government [agencies] who really were interested in land-use planning; or, [if they were interested], they wanted to tie [land use] in with economic development.

I think all of them were just out there, waiting for [land-use planning] to be defeated [in the referendum]. I had the feeling they were. They tried to get me to change and go back and see if we could moderate [our report] a little bit. I said, no, that's the way the committee came down. And as far as I was concerned, if [the report] was published, it was going to be published that way. And it [was]. But that was an interesting meeting. . . .

HALLOCK: There was one fluke in [SB 100]. . . . [It] created a dandy legislative standing committee as an oversight committee. [Creating such an oversight committee] was really not [supposed to be] done this way; that was a prerogative of the presiding officer or officers, [who], at the end of the session, would throw their political weight around and decide what they wanted to have as interim committees. But this bill [specified] this

committee. I forget what [Senate President] Boe was so rattled about—[probably just] the general passage [of the bill]—that he didn't bother himself with [the creation of this committee], nor did anybody else. We intended it to be a short-term thing. Boe said, after the house had passed it and it hadn't been changed, "You clever son of a bitch. I read this bill. You've got a committee in there that will serve forever, until it's repealed." And I said, "Oh, it's nothing."

MACPHERSON: Well, the committee does [serve forever], but the people can change. . . .

HALLOCK: At the time, the bill said the chairman of the committee, during the session, had to be on the thing in eternity. So I took over the watchdog committee for the following two or three times, with L. B. Day's acquiescence, so we could fend off all the critics. [We] let the thing settle down—[it] just infuriated everybody within a thousand miles, and [we] met sporadically. . . .

RICHMOND: I was just going to mention that [since] there was concern about a referendum on SB 100, there was a delay in the appointments to the commission [LCDC], and in the hiring of the director. I think [there were delays] even in the implementation of the appropriations for the agency until after the ninety days ran [out] after the legislature adjourned, until about early October 1973. Then Tom [McCall] appointed L. B. [Day] and the other members of that first commission; they didn't have their first meeting until February of 1974. Arnold Cogan was the first director.

MACPHERSON: Do you remember that we had to take the emergency clause off on the floor that day? That's another thing you never do.

RICHMOND: To allow people the chance to refer the bill.

MACPHERSON: To give them that opportunity, right. I figured they were going to refer it sometime anyway, and we might just as well face up to it right that fast. And they weren't that organized; they didn't get the signatures. . . .

HALLOCK: One of your questions was: Where did the idea of the urban growth boundary come from? Everybody else is going to have to speak for themselves, but for myself [there were] two things: Washington County was one, and Hong Kong was the other. I realized that, as time

passed, we [in Oregon] were going to have an incoming population of substance, and we are. To me, we have to go up—period—and not out. If we just continue to go out on untraveled ways, there's no sense [having] SB 100; it was foolish to have passed it. So that was my deal. You've got to draw lines and live within the lines, and now the pressure to explode those lines never abates.

ABBOTT: Was there a particular source [for the notion of an urban growth boundary]? Was the idea copied from [another] area?

MACPHERSON: I tried to identify exactly where that idea came from. The original goal 14, which is the urbanization goal, prescribed the urban growth boundary. In looking back at that particular goal, it also mentions that those units of government that already have an urban growth boundary have to come back and get it revalidated. So, obviously, the idea was around at the time, in 1975, when the first fourteen goals were actually adopted. . . .

RICHMOND: But the idea came from Salem, where there was an urban growth boundary. Again, Wes Kvarsten, who was the administrator and the director of the Mid-Willamette Valley COG—Marion and Polk counties—played an important role. There was an in-place urban growth boundary that had a little bit of a track record. In terms of where it came from, Ted mentioned Hong Kong. But the kind of a land-classification system by which a public entity says, "This is where we're gonna develop; this is where we're not gonna develop," this is pretty standard operating procedure in the rest of the industrialized world. We just don't have that in the United States, except at that time, in Oregon. So it was sort of an odd thing that there was [an urban growth boundary] in Salem, and that allowed for some very early interpretation of the other goals that depended on the existence of an urban growth boundary—the agricultural-lands goal, for example. But that's where it came from.

MACPHERSON: I researched to see if Senate Bill 100 had anything to do with that at all. It did to this extent: The original goals from Senate Bill 10 were carried over; Senate Bill 100 made one change, in that it split apart the one [original goal] that provides for urbanization. The original goal said to conserve prime farmland for the production of crops, and to provide for an orderly and efficient transition from rural to urban uses. That was split off to make a separate idea. . . . That's the basis of it: You've got to have an orderly transition, and the way you get that is with an urban growth boundary. So I think that does come right back to Wes Kvarsten

and the Mid-Willamette Valley COG, which had already done this and had this [principle] in mind as the way it should go.

RICHMOND: Those were the interim goals—there were ten of those—and the commission adopted fourteen statewide planning goals. As Hector indicated, they broke some of them apart to create additional subject matters, and one of them was the stand-alone urban growth boundary. They also added a housing goal, which wasn't in the interim goals anywhere. The commission was very conscious of basing its goals, [which] were expressions of its own authority, on the statutory interim goals that had been in place since 1969. But they made [the new goals] much more detailed and specific than the interim goals, which were very general in terminology.

ABBOTT: The commission [LCDC], as I understand it, did a major public-input process in developing these goals. Are there points where the citizen-participation process made a difference in terms of the content of the goals?

RICHMOND: I wish Arnold Cogan were here, because he really designed that process and rode herd on it. There were seventy-six public hearings and/or workshops run by the commission over the course of 1974. Remarkable undertaking. And, really, I think L. B. [Day] did a masterful job running those meetings and executing the design that Arnold came up with. I think it was very consciously a constituency-building game plan as much as it was trying to develop specific information and ideas about what the content of the statewide planning goals should be.

I remember going to several of those meetings; I went to one down in Salem at the fairgrounds. There was a huge roomful of people, and they gave them all a little book that had questions: How do you want this to be treated? How do you want [that] to be treated? And it was very positive. People wrote [their responses] down, and they [were] tabulated. I have no idea whether they cooked the books or jimmied the numbers or what, but people *were* drawn into the discussion. I don't know whether it influenced the specifics, or the goals, or not, Carl.

HANSEL: I went to two of the meetings—one in Pendleton. But they did it differently there. It seems to me we were around a table, and we discussed certain issues [until we] came up with a consensus. My experience was that at my table someone had a louder mouth than I did, and I didn't get very many of my ideas across. But we came up with some ideas. I think there was probably a questionnaire, too. There was sure a lot of

conversation that went on. They took [the various ideas] and mixed them together, and I suppose at least before the end of the meeting there was a plan. . . . I don't [know] how [well], really, it represented the people who were there. I've always wondered about how much of it really was what the majority of them wanted. But at least they had something.

MACPHERSON: Well, this public involvement has been really quite a problem. We still have our citizens advisory committee [Citizen Involvement Advisory Committee] for the commission [LCDC], but this ongoing type of thing really doesn't function very well. What happens is whenever you're going to change anything, you get [together] all the people who might be affected by it, and, believe me, you've got a lot of public involvement out there. The folks on one side come in and tell you, "Don't come on my property; I've got a gun out there waiting for you!" And then [on] the other side, "Well, you know, I like the view out there, and I don't want you to change anything." So you've got lots of people coming in and talking with you, but the official citizens advisory committee, I don't think, is terribly successful. . . . [This advisory committee was] created by the original Senate Bill 100. There are people out there, and they advise the commission from time to time on specific things; but to my feeling [the advisory committee] doesn't do a whole lot.

I'd welcome what you'd say, Staff, [about] when you were chairing the commission.

HANSEL: Well, it was the same way then; we almost ignored it. Then somebody read the rules, and so we activated it [for] more than a year or two. To my knowledge, I don't think they came up with anything that we had overlooked. . . .

MACPHERSON: They seemed to get very qualified people . . . but I kind of question how much good the committee itself does. But they do keep looking at us, and from time to time they'll say, "Well, you know, I don't think [you've] got your citizen involvement cranked up enough." So we have heard from them specifically on issues that we have been working on.

HALLOCK: Your question on what can be done about the growing influence of property-rights groups and [how] the pending budget cuts associated with Measure 5 create vulnerabilities for DLCD [Department of Land Conservation and Development]: What can or should be done now to ensure that the planning system remains strong and effective? . . .

I heard a tape on the way over here about the Colorado Riparian Association. It's a successful [effort to] bring stockmen together with envi-

ronmentalists; this is of great concern to me. A woman who is the environmental spokesperson said they talked to the stockmen about losing money, losing acreage for forage. In other words, if they would look after the riparian banks and stop erosion, they would preserve more land, which means more fodder for their calves and so forth.

It strikes me that the citizens-input apparatus for DLCD and the state of Oregon should be focused on the rural interests in the thirty-six counties, on the grounds that the menace to farmlands that Hector envisioned is as great, or even greater, today as it was then. . . .

MACPHERSON: Of course, we have 1000 Friends, which is doing you all a service in drawing together the environmental interests that want to do the good things that ought to be done. Unfortunately, I see them losing the battle out there now to the new organization on the block. I think Bill Moshofsky and the Oregonians in Action-type are outthrusting [us] at the local level. I see a disintegration of the support from some of our legislators that we used to have, and this really bothers me. How the heck we're going to bring that back, I'm not sure. I think that we still have the kind of an electorate out there [such] that if it comes to another ballot fight over land-use planning, we can still win it. . . .

HANSEL: I agree with Hector. I've given this a lot of thought: Somehow, after we won the battle of land-use planning, all the supporters of it went home and began to sit on their hands. And we began to get headlines. Every suit that's brought, we get a bad headline out of. We're lucky if we only get a bad headline in the *Oregonian*; more than likely, we're going to get one at [the place of the dispute]. So land use has almost become a bad word in areas [where] it didn't used to be, and nobody seems to speak up and say land-use [planning] is a good thing, and we ought to do more of it. And when we do have a success story, we somehow get it muddled. I know in eastern Oregon the impetus has been taken away from people who support land-use planning. Maybe there never was that kind of a consensus there, but at least there was a toleration. County commissioners are still running against land-use planning.

MACPHERSON: And winning against it. That's what bothers me.

HANSEL: I think the supporters of land-use [planning], including us, have got to get out and begin to tell people that this is a good program. I haven't made a speech in a year that I haven't brought up the horrible examples of lack of land-use planning in some of our neighboring states: Montana, Colorado, South Dakota. I happened to go across those states

this year, and you could just really see the difference in what's happened in Oregon and what's happening there. In Colorado, if you have a 'dozer and a portable office, you [can] start a subdivision. Right out in the middle of the forest, you build a few roads and then you begin to take orders for lots. You [can] go miles there—in semipasture or forest—and that's what's going on. There's some places where they've already built [these subdivisions], and they're kind of a disaster.

ABBOTT: The mountains above Denver look like they've been hit by a smallpox epidemic.

HANSEL: Well, on the back ways the same thing's going on. I really just don't know what to do. Somehow or other we just have to get more enthused about [land-use planning]; [we have to get] more people interested in it. . . .

RICHMOND: The interest groups are more supportive now than they have been: . . . [the] forest-products industry, the farm bureau, the home-builders, commercial real-estate people. There's more support for land-use planning in those groups today than there was ten years ago, or twenty years ago. The people who are running against the program . . . know what the polls say: There's more support among public opinion today than there was, certainly, in 1982, or five years ago. That's why they're not trying to put it on the ballot; they'd be wasting their time, 'cause they'd lose. . . .

But in the 1993 legislature for the first time there is no majority support for the [land-use planning] program on the floor of either the house or the senate.

MACPHERSON: Right, and I see that as a real problem.

HANSEL: I have no trouble saying this: If it wasn't for a Democratic governor, we might be in trouble.

MACPHERSON: The thing is, she may not be there two years from now.

RICHMOND: Anyway, it's a negative thing to put any governor in the position of having to veto a bill in this area. This means that the composition of the senate committee is very important to preventing [the governor being put in such a position]. But even that is not an adequate safeguard. . . . This is a very negative legislative session. . . .

MACPHERSON: I thought, when the last session of the legislature came along and I was a newly appointed member of the commission, I would try and go with them and bring them along as far as I could. But, really, I just couldn't do anything with the Republicans at all. We've still got two or three good Republicans there, but [there aren't] enough to fill up the fingers on one hand at this point.

RICHMOND: The Moshofsky group [Oregonians in Action] has so polarized the issue that every Republican in the state senate voted against Hector's nomination to LCDC when he was nominated.

HANSEL: They did?

HALLOCK: I didn't know that!

RICHMOND: When he was nominated to the commission, he was opposed by his own party.

HALLOCK: God almighty!

RICHMOND: Absurd.

MACPHERSON: And the thing is, if they had really known the number of times that I fight with Henry, they wouldn't have.

HOWE: Well, understanding that we are aware of the vulnerabilities facing the program, can we talk a little bit about what we see retrospectively as the strengths of the program?

ABBOTT: The other thing I would be interested in is surprises. . . . [The program is] coming on to twenty years old now: Has it worked out like you've expected? What are the good surprises and the not-too-good surprises?

HANSEL: To me the biggest surprise is this continued opposition. I just can't figure what they feed on. It doesn't seem to me they win any battles that are significant or that bring them any money. It's almost as though they are on some kind of an ego trip: "We are against this, we've always been against this, and we are going to eventually beat it."

RICHMOND: There's been sort of a libertarian current in public affairs

that's been given encouragement and enjoyed some success in many spheres—not just this one. I think the Oregonians in Action lifeboat has been raised by that . . . type, and I hope it's receding [now]. I think it is [receding] on a national level, but I don't see it receding in Oregon at this point, at least in terms of the workings of politics, the elections in the state senate, or the elections of the county commissioners. I think it's [partly due to] the ascendancy of that concept: people being able to do whatever the hell they want to do, regardless of the consequences—the sort of “me-first” generation, which is really where [the Oregonians in Action] people are. They are classical liberals; they are not really conservatives. And they sincerely believe in what they do.

MACPHERSON: I think there is something of an environmental backlash in Oregon at this time.

RICHMOND: I think the [land-use planning] program is hurt to the extent that it is misunderstood as an environmental program. I don't see it as an environmental program; I think it has important conservation or environmental benefits, but I don't think it's an environmental program. I think it's perceived that way, and the state is being wrenched right now by these species-driven controversies over the salmon and over the spotted owl.

Not only that, we are a poorer state than we were ten years ago. I've been quoting these per-capita income numbers for the last five years: From 1979 to 1989 we were on a[n economic] free fall, basically, from 1 percent above the national average to 9 percent below, because of what happened in the forest-products industry—not [because of] the owl [but because of] mechanization. We are a poorer state than we were ten years ago. Mechanization meant fewer people were working on the same amount of logs, but harvest reductions mean fewer people working on fewer logs. And I think that per-capita income is going to continue to fall.

What the land-use program can do is keep the land base intact, and that allows us to at least slow that fall. They had the department of agriculture director say in the [Salem] *Capital Press* yesterday that there is a shortage of land in the Willamette Valley for the kind of profitable agriculture the state's economy has been growing on over the last decade. So I think the thing we can do is to recast the program, in the mind of the public, to something that relates to basic economic values—not just on the income-generation side (forestry and agriculture) but on the cost side.

Who's paying for all the development that's gone on outside the urban growth boundary in Deschutes County in the last five years? More than

half the residential development has been outside the urban growth boundary in Deschutes County. You don't have a very good land-productivity argument [in that case]. . . . Or in Jackson County, where the state's restrictions have been relaxed, as of eleven days ago, and hundreds of thousands of acres will be opened up for development because the site productivity isn't very high. The debate needs to be recast in those areas to: Are the people in the city going to be paying for those development patterns, for those school bus routes, for those extra sheriff patrols? What's going to happen to the water-table levels? Are we impacting harvests on the agricultural lands by putting houses next to those lands? We're putting more houses out in the high-fire-risk areas.

In other words, the debate has to be shifted and the issue understood in different terms, I think, to stem the impact of the [Oregonians in Action argument]. I want to talk about the successes and the strengths of the program, [and its ability] to continue to succeed. It has very important successes that have been built into it, some of which are the [things] that weren't anticipated. . . .

ABBOTT: Taking a step back, let's look at both the strengths of the system, as it's evolved over twenty years, and things that people framing the legislation or working with [it in the] very early years didn't expect to see evolve.

HALLOCK: Well, Stafford identified the most significant surprise—the continued resistance. . . .

RICHMOND: I think one of the positive surprises is how important the housing issue has been in the program. I don't really think it was anticipated to be [so important] in 1973, or even when the goals were drafted. But the urban growth boundary [idea] has forced a lot of people who otherwise might not have been interested in housing to address housing, because the Homebuilders [Association] is very politically active and effective, and they were making some legitimate complaints about how the process was working. As far as they are concerned, [the system, since the introduction of land-use planning], has been drastically improved, and they say that publicly. We miss Charlie Hales not representing the Homebuilders in a public sort of way; I hope that can be changed quickly. So I think that's one positive.

The Portland metropolitan area has done what no other major metropolitan area has done in the United States on the housing issue: It has developed regional, fair-share housing allocations that, without a lot of controversy, were implemented in the twenty-four jurisdictions in the

Portland area with some very substantial, measurable gains in terms of housing affordability. So that's a real plus.

ABBOTT: It is surprising, given how controversial fair-share allocation is, when it's the issue that everybody focuses on, how this has just sort of happened as part of the process.

RICHMOND: When you talk about fair-share housing allocations, theoretically it's sort of an unknown. What are we talking about? What's that mean? When you get down to specific cases, in terms of specific jurisdictions, and you say that really what it means is "this many acres and these kinds of units, and you've got plenty of room for it over here or over there," then it becomes more concrete and more understandable, and you recognize that all the other jurisdictions are being treated the same. Nobody is pushing off on someone else something that somebody else doesn't want. And you really couldn't have done that without some kind of state policy and, in this case, an assist from Metro, which really implemented it. So that was a plus. . . .

Portland has twenty-four metropolitan [jurisdictions], but many metro regions around the United States have many more local governments around their central cities, or [else] they're dead cities with large nodes of development. The fragmentation of these governmental bodies makes it very difficult for any kind of policy to be carried out. The combination of an urban growth boundary, which embraces that mass of local governments, and a regionwide policy that can be implemented on a regional basis allows a regional problem to be addressed without displacing local governments or taking advantage of their capability to administer those policies. I think there's probably as much interest in the Oregon program because of that [development] than [because of] what's happened on rural lands.

Other states are trying to do that, and I think it's interesting that in all these other state programs there's some kind of an urban-growth boundary device. They are called urban service areas in Florida, tiers in New Jersey, districts in some places, growth areas, and so forth. But [everywhere] it's a tool that a state can use to overcome this fragmentation and to deal with policy issues—either transportation or housing [or whatever]—in urban areas that over the last fifty years have developed this great jumble of municipalities.

We hear about the suburbs becoming very powerful in recent decades, and now there are more people living in suburbs than there are in cities, or in the rural areas. But they really just have power to stop things, because they are so fragmented. They don't have the ability to make any-

thing positive happen. This kind of approach overcomes that limitation, I think.

MACPHERSON: I think people are very much in favor of the general idea that we ought to have our cities more dense [so we won't] have to drive as far. Unfortunately, when you get to the point where you want to say that this particular area ought to accept more dwelling units and that the pattern established out there should be densified in some way and the in-fill allowed, then they always are very defensive and they don't want that to happen. So you get a lot of individual local areas where it's very difficult to achieve the goal that the commission will be setting for the density of housing.

RICHMOND: [It] hasn't been that tough. We met the targets for molding family density in the Portland region. . . . And you don't have to have very high density. . . .

I think one of the surprises is there's a lot of interest in the department of transportation, for example, using land-use planning and policy in an urban setting to make transportation investments feasible and to maximize a return on transportation investments.

ABBOTT: That whole interface between land-use and transportation planning is a real exciting dimension.

RICHMOND: The land-use program doesn't [create the transit system], but it makes it possible and gives you a tool to approach [creating a transit system].

HANSEL: In looking at what we've done, that's one of the mistakes we made very early: not getting enough of Oregon state government involved. We should have had [the departments of] agriculture and water resources and transportation and economic development all tied in together, and the only way it could be done was by the governor. But nobody was really shouting for the governor to get that involved. . . .

MACPHERSON: Well, I think state agencies are working together better now than they ever have before.

HANSEL: We were trying to get those agreements of understanding when I was chairman. . . . It was like pulling teeth trying to get some of the agencies to sit down and say, "What is our relationship with land-use planning?"

MACPHERSON: You realize we've finally got all the state agencies acknowledged now. We've finally got to the bottom of the list at least.

HANSEL: Well, maybe you've got them signed, but whether they really believe it or not—

MACPHERSON: [The question is not so much] whether they really believe [but] whether they really are cooperating to get the thing done. [That] requires the forestry department, the parks and wildlife folks, and so on to come down to the local level; they've got to make their input into the planning down at the local level, and they never used to do that. They used to write their regulations [at one level], and the locals did theirs [at another], and they really never got together. But now, through this state-agency coordination program, they are required to come down and get their input in at the time the decisions are being made. I'm hopeful that will help; I think it's another major plus we've had with the program. . . .

HOWE: Did you ever think, twenty years ago, that you'd be sitting here reflecting on the past twenty years of this program? To what extent did the people who were involved in putting the program together really have an idea of the genie they were letting out of the bottle? Did they really understand what they were creating?

MACPHERSON: No, I did not know what I was creating. I think the most remarkable thing is that we are here, twenty years later, and that it has been enough of a success to last at least this long. I knew that land use was a tremendously divisive type of thing. When I got into this thing, none of the other legislators, except for Ted Hallock, wanted to join me, because they didn't feel it was anything that would enhance their political stature. And of course we've had a number of times since then when I wondered if it was going to last through the next election. So I guess the most delightful thing is that it really is still here, that it's gotten some national recognition, and that it's recognized, at least by some people in the state of Oregon, as having been desirable.

I just hope, with all the uncertainty that I see out there in the future, that we can progress at least as well in the future as we have in the past. I really have some confidence that the voters are sensible enough to recognize the strength of a program like this. . . .

HANSEL: I'm very supportive of land-use planning. I can't really say it's a great accomplishment, because it hasn't really been accomplished yet. But I have hopes that it's gonna be one of the things equal to the beach bill

and other things that Oregon's been in front with. But it's gonna take a lot of work, continuous work. And it's gonna be successful only as long as we can convince a majority of people in the state that this is a good program for us.

HALLOCK: Well, I knew what I was doing; I wanted to win and have the good guys win. The saving grace has been the number of people who came along: L. B. Day, Tom Donaca, Steve Hawes[?], Stafford Hansel, Henry Richmond, Norma Paulus, other people. I can't remember [all] the names. I hope there will be more. I think the discouraging thing is I look around at the ages of those of us at the table, even including Henry, and I hope there are younger people picking this battle cry up, as legislators, as state officials, as county officials, or whatever. That's the part I'm uncertain about.

RICHMOND: I'm not surprised [at what we've achieved]. I didn't anticipate it, but I'm not surprised. I wouldn't be surprised if a similar discussion could occur twenty years from now. This issue is a public issue in other societies, and people politick around it and debate around it and win fights and lose fights on issues of land-use policy in other countries that have had a planning culture for half a century or so. So I would expect there would continue to be a debate in Oregon about land-use policy for the foreseeable future. We've had votes on this thing, and the majority, by what anyone would [call] landslide proportions, have said [they] are in support of it. I think we have to do better about carrying out the laws we've got. . . .

The difficulty, I think, is that there is, and has been, a declining constituency for planning. We've sort of been living off the capital that Ted and Hector and Tom McCall and others built up. And the people that are in favor of planning, as Stafford said a few minutes ago, [have] got to get off their hands and build support for the program, reframe the issues, and build local constituencies for the program.